

REMARKS

In the Office Action mailed on April 23, 2007, the Examiner rejected claims 27 and 28 under 35 U.S.C. 101 as being directed toward non-statutory subject matter and rejected claims 1-28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,847,771 to Cloutier et al.

In response, Applicant has amended claims 27 and 28. No new matter has been added.

Applicant has amended claims 27 and 28 in an effort to claim statutory subject matter. Applicant believes amended claims 27 and 28 claim patentable subject matter.

Independent claims 1, 23 and 28 recite, *inter alia*, “augmenting said at least one non-composited digital transport stream with control information.” The Examiner asserts that this limitation is taught in Cloutier et al. in col. 3, lines 30-35 and col. 14, line 66 – col. 15, line 24. This is incorrect.

In col. 3, lines 30-35, Cloutier et al. describe outputting two sets of video data so that a single frame can be generated displaying those two sets of data. Nowhere in this citation is the word “control,” even used. There is no combining of non-composited digital transport stream data with control information as claimed in claims 1, 23 and 28.

In addition, col. 14, line 66 – col. 15, line 24 discuss some of attributes of a Packetized Elementary Stream (PES) and contents of some of the packets. While control data is included in some of the packets, it is not “augmented” to the transport stream in col. 14, line 66 – col. 15, line 24. Instead, the control data is already existent in the transport stream of Cloutier et al.

In addition, Cloutier et al. state that the control data used to generate picture-in-picture displays is separate from and distinct from the content data. In particular the control data comes from the user via controller 68 that then controls a demultiplexer and ATM selector. *See* col. 9, lines 37-39. Since Cloutier et al. keep this control data separate from the content data, it follows that this data is not augmented to non-composited digital transport stream as alleged by the Examiner.

With respect to independent claims 12, 25 and 28, the Examiner asserts that “decoding” is shown in Fig. 5 of Cloutier et al. The Examiner never addresses where the “extracting control information from said at least one non-composited digital transport stream” where the control information relates to “simultaneous display[ of a] plurality of AV programs.” As noted above, Cloutier et al. perform PIP displays from data from controller 68 which data is kept separate from, and therefore is not extracted from, the video data.

Claims not specifically mentioned above are allowable due to their dependence on an allowed base claim.

CONCLUSION

No fees are due for this Amendment beyond the fees for the Petition for a One (1) Month Extension of Time. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

Christopher J. Stone

\_\_\_\_/Benjamin D. Driscoll/\_\_\_\_\_  
Benjamin D. Driscoll  
Reg. No. 41,571  
Motorola, Inc.  
101 Tournament Drive  
Horsham, PA 19044  
P (215) 323-1840  
F (215) 323-1300

\_\_\_\_August 23, 2007\_\_\_\_  
Date